

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER

Tuesday, June 28, 2005

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Donna Gebicke, Administrative Assistant (Recorder)

Kate Mauck, Senior Administrative Coordinator (Recorder)

Kate Mauck recorded the following meeting minutes:

CALL TO ORDER

The meeting was called to order at 9:08 a.m.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, June 14, 2005. Motion carried, 5-0.

COUNTY ADMINISTRATOR

1. Draft Agenda for July 12, 2005 (*There will be no meeting on July 5, 2005*)
2. **Department of Public Works and Transportation, Real Property Manager, & AirTec, Inc.**

Present: George Erichsen, Director

Joyce Malone, Real Property Manager

Mr. Erichsen and Ms. Malone presented the Commissioners with an amendment to the existing Lease/Operating Agreement for Airpark Sales & Services, Inc. (known as AirTec, Inc.) *Staff was directed to have all documents in final form, to include all necessary signatures, prior to returning the paperwork to the Commissioners for consideration on the July 12th agenda.*

3. Patuxent River Naval Air Museum Association, County Attorney, and Department of Public Works & Transportation

Present: Rear Admiral Gus Eggert, President, Patuxent River Naval Air Museum Association

Keith Fairfax, Patuxent River Naval Air Museum Association

Gary Hodge, Consultant

John B. Norris, III, County Attorney

George Erichsen, Director, Department of Public Works & Transportation

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Memorandum of Understanding with the State Highway Administration regarding the 2003 federal appropriation for the Patuxent River Naval Air Museum and Visitor's Center. Motion carried, 5-0.

4. Sheriff's Department

Present: Captain Kenneth Cusic

Erin Shoemaker, Fiscal Manager

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign revised FY06 Child Support Enforcement Administration Cooperative Reimbursement Agreement. Motion carried, 5-0.

5. Circuit Court

Present: Marvin S. Kaminetz, Administrative Judge

Bill Tench, Court Administrator

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Agreement in the amount of \$63,150 for Technology Improvement Grant award from the Maryland Administrative Office of the Courts. Motion carried, 5-0.

6. Department of Economic and Community Development and Department of Land Use and Growth Management

Present: John Savich, Director, Department of Economic and Community Development

Sue Veith, Senior Environmental Planner

Denis Canavan, Director, Land Use and Growth Management

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign letter to Maryland Department of Natural Resources for Mattapany Forest Block Rural Legacy Application. Motion carried, 5-0.

7. Department of Land Use and Growth Management

Present: Denis Canavan, Director

Jeff Jackman, Senior Planner

Commissioner Mattingly moved to authorize the scheduling of a public hearing on July 19, 2005, on an amendment to the Comprehensive Water and Sewer Plan for Eldorado Farm Subdivision. Motion failed due to the lack of a second on the motion.

8. Human Resources Department

Present: Sue Sabo, Director

June Robrecht, Risk Analyst

John B. Norris, III, County Attorney

Heidi Dudderar, Deputy County Attorney

Ms. Dudderar outlined information regarding the Reeves case, which has been declared a closed case. The County prevailed in the case, and the \$5,000 invoice is LGIT'S billing regardless of whether the case was won or lost.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment transferring funds from the Human Resources-Consultants Account to the Risk Management-Deductible Liability Account, to pay \$5,000 invoice from Local Government Insurance Trust. Motion carried, 5-0.

9. Department of Public Safety

Present: Patrick Walsh, Director

a. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Mutual Aid Firefighting and Emergency Medical Services Assistance Agreement between St. Mary's County and the Commanding Officer, Naval Air Station/Naval District Washington South Patuxent River, Maryland. Motion carried, 5-0.

b. Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendments in the amounts of \$4,033 and \$3,600 for the Bio-Terrorism for Pre-Hospital Providers Grant and the MIEMSS Emergency Medical Dispatch Grant to realign revenue to match actual expenditures. Motion carried, 5-0.

c. Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$20,019 and Memorandum of Agreement for the FY05 Emergency Management Performance Grant with Maryland Emergency Management. Motion carried, 5-0.

10. Department of Public Works and Transportation and Community Development Corporation

Present: George Erichsen, Director

Robin Finnacom, Executive Director, CDC

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$32,983 due to funds received from State Highway Association for the Maryland Route 246 Sidewalk Retrofit Project. Motion carried, 5-0.

11. Department of Public Works and Transportation

Present: George Erichsen, Director

George Jarboe, Transportation Manager

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to ratify the hiring presented by the Director of Public Works and Transportation with benefits, as set forth on the Personnel Manual for Grant & Revenue Employees. This hire shall, therefore, be an approved exception to the decision of the Board on January 31, 2005. Motion carried, 5-0.

Commissioner President McKay stated that discussion would need to take place regarding the issue of providing benefits to grant employees.

12. Department of Public Works and Transportation and Real Property Manager

Present: George Erichsen, Director

Joyce Malone, Real Property Manager

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Easement Agreement and Authorization for Entry for Construction for the Tall Timbers/Herring Creek Revetment Extension and associated maintenance dredging. Motion carried, 5-0.

13. Department of Public Works and Transportation

Present: George Erichsen, Director

- a. Resolution posting a 25-mph speed limit on Bowles Road, County Route 30133, located in the **7th Election District**.

Commissioner Jarboe, seconded by Commissioner Mattingly, to approve and sign Resolution authorizing the posting of a 25-mph speed limit on Bowles Road, County Route 30133. Motion carried, 5-0.

- b. Public Works Agreement Addendum for Helen Retreat's Subdivision, Section 1. *Located in the 4th Election District with an expiration date of July 1, 2006. The Letter of Credit provided by the Sun Trust Bank in the amount of \$184,300 remains as posted based on the Department's Inspection Report dated May 17, 2005. The Public Works Agreement and Letter of Credit in the amount of \$184,300 were originally issued on July 17, 2003. The road included in this agreement is: Troy Court (2,685').*

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public Works Agreement Addendum for Helen Retreat's Subdivision, Section 1. Motion carried, 5-0.

c. Public Works Agreement Addendum for the Newton Manor Subdivision, Section 1. *Located in the **6th Election District** with an expiration date of June 1, 2006. The Bond provided by the Developers Surety and Indemnity Company in the amount of \$293,300 remains as posted based on the Department's Inspection Report dated May 25, 2005. The Public Works Agreement and Bond in the amount of \$293,300 were originally issued on May 30, 2002. The roads included in this agreement are: Pappy's Way (200'), Mary Beth Court (975'), and Charity Court (45').*

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Public Works Agreement Addendum for Newton Manor Subdivision, Section 1. Motion carried, 5-0.

e. Public Works Agreement Addendum for the St. James Subdivision, Section 4. *Located in the **8th (should be 1st) Election District** with an expiration date of June 1, 2006. The Letter of Credit provided by the Bank of America in the amount of \$135,800 remains as posted based on the Department's Inspection Report dated March 29, 2005. The Public Works Agreement and Letter of Credit in the amount of \$265,700 were originally issued on July 7, 2003. The roads included in this agreement are: South King James Parkway (1,385') and Princess Court (1,828')*

Staff was directed to change the Election District from 8th to 1st on the Addendum paperwork.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign revised Public Works Agreement Addendum for the St. James Subdivision, Section 4. Motion carried, 5-0.

Commissioners voted on the following items out of alphabetical order:

d. Public Works Agreement for the Mazel Subdivision. *Located in the **8th Election District** with an expiration date of May 1, 2006. A Letter of Credit has been provided by*

the Susquehanna Bank in the amount of \$458,000. The road included in this agreement is: FDR Boulevard (1,265').

f. Public Works Agreement Addendum for the Rue Woods Subdivision, Section 1. *Located in the **8th Election District** with an expiration date of December 1, 2005. The Letter of Credit provided by the Mercantile Southern Maryland Bank in the amount of \$37,000 remains as posted based on the Department's Inspection Report dated March 22, 2005. The Public Works Agreement and Letter of Credit in the amount of \$163,200 were originally issued on April 19, 1999. The roads included in this agreement are: Rue Woods Drive (875') and Sylvan Court (365').*

g. Public Works Agreement Addendum for the Wildewood Subdivision, Orchid Park, Section 1. *Located in the **8th Election District** with an expiration date of July 1, 2006. The Bond provided by the Lexon Insurance Company in the amount of \$47,600 remains as posted based on the Department's Inspection Report dated May 16, 2005. The Public Works Agreement and Bond in the amount of \$142,000 were originally issued on June 9, 2004. The roads included in this agreement are: Orchid Drive (254') and Azalea Court (537').*

Commissioner Raley moved seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public Works Agreement for the Mazel Subdivision, Public Works Agreement Addendums for St. James Subdivision, Section 4, Rue Woods Subdivision, Section 1, and Wildewood Subdivision, Orchid Park, Section 1 (items d, f, & g). Motion carried, 5-0.

h. Claim Letter to the Bank of America in the amount of \$35,000 for the Hickory Hills PUD Subdivision, Sections 3A and 3B based on the Department's Inspection Report dated June 3, 2005. *Located in the **8th Election District** with an expiration date of July 1, 2005. The Public Works Agreement and Letter of Credit in the amount of \$376,000 were originally issued on July 31, 1997. The roads included in this agreement are: Meath Road (650'), Athboy Court (543'), Coosan Court (190'), Meath Road (650'), and Boyne Court (280').*

i. Claim Letter to the Bank of America in the amount of \$52,000 for the Hickory Hills PUD Subdivision, Section 3C, based on the Department's Inspection Report dated June 3, 2005. *Located in the **8th Election District** with an expiration date of July 1, 2005. The Public Works Agreement and Letter of Credit in the amount of \$197,700 were originally issued on August 3, 1999. The roads included in this agreement are: Meath Road (337') and Daugherty Court (138').*

j. Claim Letter to the Bank of America in the amount of \$50,600 for Grading Permit No. 99-38, Hickory Hills PUD Subdivision, Section 3C, based on the Department's Inspection

Report dated June 17, 2005. *Located in the 8th Election District with an expiration date of July 1, 2005. The Grading Agreement and Letter of Credit in the amount of \$50,600 were originally issued on July 15, 1999.*

k. Claim Letter to the Travelers Casualty and Surety Company of America in the amount of \$34,000 for the Hickory Hills North Subdivision, Section 1, based on the Department's Inspection Report dated June 3, 2005. *Located in the 8th Election District with an expiration date of July 1, 2005. The Public Works Agreement and Bond in the amount of \$184,800 were originally issued on June 17, 1996. The roads included in this agreement are: Amber Drive (Accel/Decel Lane), Athlone Street (223'), Fore Edwards Place 268'), Brawney Street (899'), and Kilkenny Place (173').*

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Claim Letters for items h, i, j, and k. Motion carried, 5-0.

14. Southern Maryland Child Care Resource Center

Present: John B. Norris, III

Commissioner Jarboe moved, seconded by Commissioner Dement, to sign letter designating the Southern Maryland Child Care Resource Center as the Local Council for the purposes of applying for federal funding through an Early Learning Opportunities Act Grant. Motion carried, 5-0.

15. St. Mary's County Public Library

Present: Kathleen Reif, Library Director

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve Budget Amendment in the amount of \$46,107 transferring extra funds for health insurance accounts into circulation services to purchase more materials for customers to check out; F&E-New to purchase more PCs for customers to use; Electric and W/S/T. Motion carried, 5-0.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT – REQUEST FOR IMPACT FEE WAIVER AND DEFERRAL OF IMPACT FEES FOR THE GATEWAYS DEVELOPMENT AND BUDGET AMENDMENT

Present: John Savich, Director

Karen Everett, Manager, Business Development

Dennis Nicholson, Executive Director, Housing Authority

Members, Housing Authority

Staff outlined recommendations made by a review committee involving members of the Housing Authority, and Directors of Finance, Land Use and Growth Management, and Economic and Community Development regarding Impact Fee Waiver request from the Housing Authority for The Gateways Community. The recommendations were outlined in detail in a memorandum from Mr. Savich dated June 27, 2005. After consideration of the recommendations, the following action was taken:

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Award Letter granting the waiver of 28 impact fees and the deferral of 14 impact fees for The Gateways development, on Lexwood Drive, and the Budget Amendment reflecting the financial impact of this action on the County. Commissioner Raley further moved for the Board of County Commissioners to waive the recordation of covenants as a condition of the building permit for this project, as required under Ordinance 04-09, and instead, require that the covenants be recorded prior to the issuance of the Use and Occupancy permit. Commissioner President McKay abstained from the vote; all others voted in favor of the motion. Motion carried, 4-0.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT – PRESENTATION OF FY2005 ANNUAL REPORT ON THE IMPACT FEE WAIVER PROGRAM

Present: John Savich, Director

Karen Everett, Manager, Business Development

Dennis Nicholson, Executive Director, Housing Authority

Members, Housing Authority Board

Mr. Savich outlined in further detail the FY2005 Annual Report on the Impact Fee Waiver Program for St. Mary's County.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: REQUEST FOR DIRECTION RE: PROPOSED LEXINGTON PARK DEVELOPMENT DISTRICT MASTER PLAN

Present: Denis Canavan, Director

Jeff Jackman, Senior Planner

Sue Veith, Environmental Planner

The Department of Land Use and Growth Management presented a diagram of the Lexington Park Development District Master Plan, Figure 2-3a: Transportation & Community Facilities dated June, 2005. Recommendations for road circulation improvements were discussed. Staff noted that the map does not address all future roads.

The Board of County Commissioners expressed support for the transportation element of the proposed Lexington Park Development District Master Plan as follows:

Commissioner Raley – support.

Commissioner Jarboe – support. Also noted that as the county adopts some elements to the Lexington Park Development District Master Plan, there would be no automatic approvals for boundary changes. Support for the transportation element of the plan does not indicate that he will vote to make all requested boundary changes.

Commissioner Dement – support.

Commissioner Mattingly – support. Also noted that he has concerns about the connector to the church property entrance/exit onto (possible) FDR Boulevard. Expressed concern that the church and/or businesses in that area will not have direct access to Route 235. In addition, expressed concern with alignment and site distances on an extension of Indian Bridge Road that would go through Wildewood. Stated that he hopes that the state will come up with their share of the funding needed. Stated that many priorities will come about through the Master Plan.

Commissioner President McKay – support. The plan would improve access to the base, especially at Gate 3, which is the least used gate; will provide congestive relief, and enhance opportunity to Gate 2, which is the main access gate. Stated that the Board recognizes this is a long-term vision, and that upgrades and improvements will need to take place over a period of many years.

The Department of Land Use and Growth Management began outlining proposed removal of agricultural/environmental easements near Willows Road. Before discussion moved forward, Commissioner Raley made the following motion:

Commissioner Raley moved, seconded by Commissioner Jarboe, that the present boundaries of the Lexington Park Development District be kept intact, with no changes as discussed.

Commissioner President McKay outlined reasons for supporting changes to the boundaries, and Commissioners Dement, Jarboe, Mattingly, and Raley outlined reasons for their lack of support for boundary changes. Commissioner President McKay called for a vote on the motion, as follows:

Commissioners Dement, Jarboe, Mattingly, and Raley voted in favor of the motion; Commissioner President McKay voted against. Motion carried, 4-1.

Commissioner President McKay stated that the remaining matters on the Lexington Park Development District Master Plan would be brought back to the table for discussion on another agenda.

Donna Gebicke recorded the following meeting minutes:

BOY SCOUT TROOP 1846

Commissioner McKay introduced Kyle, Alex, Ryan and Austin, members of Troop 1846 who were attending the meeting to meet requirements for their Citizen and Community Badge.

PUBLIC HEARING – PROPOSED AMENDMENT OF THE ST. MARY’S COUNTY ETHICS ORDINANCE

Present: David Deaderick, Chair, St. Mary’s County Ethics Commission

Heidi Dudderar, Deputy County Attorney

Mr. Deaderick certified that the Public Hearing was duly advertised in the *Enterprise* newspaper on June 15 and 22, 2005. The purpose of the hearing was to consider and receive public testimony on proposed amendments to the St. Mary’s County Public Ethics Ordinance. Mr. Deaderick outlined each proposed amendment and recommended that the Board postpone decision on whether to amend Section 5. D. until the State Ethics Commission issues its advisory opinion, which is anticipated within the next two-three months.

The hearing was open for public comment. No one was present to speak to the matter and the public hearing was closed, but will remain open for 10 days for written comment.

PUBLIC HEARING – PROPOSED AMENDMENT TO THE ZONING MAP OF THE COMPREHENSIVE ZONING ORDINANCE TO CREATE AN HISTORIC LANDMARK OVERLAY ZONE FOR ST. MICHAEL’S MANOR

Present: Teresa Wilson, Historic Preservation Planner, Dept. of Land Use and Growth Management (LUGM)

Jeff Jackman, Senior Planner, LUGM

Ms. Wilson certified that the public hearing was duly advertised on June 8 and 15, 2005. The purpose of the public hearing was to receive public testimony and to consider a proposed resolution and amendment to the official Zoning Map of the St. Mary's County Comprehensive Zoning Ordinance to create an "H" (Historic Landmark) Overlay Zone for St. Michael's Manor, Map 73, Grid 10, Parcel 37. The Historic Preservation Commission found that the St. Michael's property meets the criteria for historic landmark designation, as set forth in Section 42.4 of the St. Mary's County Comprehensive Zoning Ordinance. Ms. Wilson described how the property met the criteria for historic designation. The hearing was opened for public comment:

Joseph Dick, St. Michael's Manor, Scotland, MD

Nancy and I are dedicated to the idea of preservation and to sharing this historic property with the public. Our bed and breakfast has brought thousands to St. Mary's County and we have enjoyed sharing this important part of history with them. We support the historic landmark designation for St. Michael's Manor. I would also like to suggest that the Scout's consider participating in a cemetery project on the property.

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Austin Barkdull, 44101 Redbud Lane, Wildewood (Troop 1846)

Tourism is a big part of our County and I feel that anything that helps our economy is awesome. It is important to preserve our heritage and culture, as this County is one of the first places that the settlers came to. This landmark provides an awesome opportunity to learn about our history. I definitely support the historic landmark designation for St. Michaels Manor. As there was no further public testimony, the hearing was closed, but will remain open for written public comment for ten days.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT: RESOLUTION APPROVING
PETITIONS AND DESIGNATION OF PROPERTIES AS MARYLAND AGRICULTURE LAND
PRESERVATION DISTRICTS**

Present: Donna Sasscer, Agriculture Manager, Dept. of Economic &
Community Development

The Board of County Commissioners held a public hearing on June 14, 2005, to review and receive public testimony on the petitions for establishment of Maryland Agriculture Land Preservation Districts for George McWilliams, James K. Raley, and Steve Purvins. Ms. Sasscer reported that no public comments were received regarding this matter.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, that having made the finding that the above mentioned properties, identified at the public hearing on June 14, 2005, meet the Maryland Agriculture Land Preservation Foundation Program criteria, to forward the properties to

the Maryland Land Preservation Foundation Foundation for district establishment and that the Resolution approving the petitions and designations be signed. Motion carried 5-0.

DRUG AND ALCOHOL ABUSE ADVISORY COUNCIL REPORT

Present: Dr. Kathleen O'Brien

In accordance with the Maryland Code Health General 8-1001, each county in Maryland is required to have a local drug and alcohol abuse council. The purpose of the Council is to promote collaboration and coordination of local drug and alcohol prevention, intervention, and treatment services.

On behalf of the Council Chair, Mr. George Forrest, Dr. O'Brien reviewed the goals, objectives, and performance targets contained in the St. Mary's County Strategic Plan for Alcohol and Drug Abuse as developed by the Council over the last year. A Local Survey of Resources Matrix was provided as a tool to assist the Board in their decision-making process regarding drug and alcohol abuse programs.

COMMISSIONERS' TIME

Commissioner Dement

Congratulations to Bill Ball, former Recreation and Parks employee. Attended his retirement party.

Congratulations to Mr. and Mrs. James Forrest on their 70th wedding anniversary and to Mrs. Forrest on her 90th birthday. Congratulations to Bobbie McWilliams, the newly elected President of the Ladies Auxilliary of the Maryland State Firemen's Association.

Attended the Southern Maryland BMX Grand Opening at the new Chaptico Regional Park. The BMX track is a good example of what County government and volunteers can do together to support sports activities in St. Mary's County.

Commissioner Mattingly

Attended the Maryland State Firemen's Association Convention in Ocean City. Congratulations to Bobbie McWilliams on her election as President of the Maryland State Ladies Auxilliary and to Bobby Balta from Ridge who has moved up to First Vice President of the Maryland Firemen's Association. We are proud of both of them and what they have accomplished. St. Mary's County was well-represented at the convention.

Attended the Navy League Reception and the St. Mary's River Watershed Association get-together. Donna Sasscer and I attended the Maryland Dept. of Agriculture meeting regarding farming and land issues and

communicated once again to the Secretary that tobacco buyouts will cease in five years creating additional hardship for the farmers. It was a good exchange.

Attended Unmanned Air Vehicle Demonstration at Webster Field Annex which was a solid success for the base. Congratulations to all involved in putting this event together.

Remind the Commissioners that there is a Tri County Council meeting tomorrow night in Benedict and remind everyone that the fire department carnivals are making their way around the County. Leonardtown carnival starts on July 7 and runs for two weeks. The carnivals are a great family fun night out and an opportunity to come out and support your volunteer fire departments.

Commissioner Jarboe

Nothing to report at this time.

Commissioner Raley

Attended the retirement ceremony for Mary Wood at the Health Department and wish her the best.

Attended graduating class for five correctional officers. A St. Mary's County officer received the highest academic honors in the class.

Attended the Maryland State Firemen's Association Convention in Ocean City and always inspired by the dedication of so many volunteers throughout the state. A tremendous amount of volunteers from St. Mary's County have taken leadership positions in the Association. Congratulations to all. The County is well-served by our many, dedicated volunteers.

Commissioner McKay

There will be no Commissioner's meeting on July 5th. Want to wish everyone a safe and enjoyable 4th of July. Freedom Fest will be held on July 4 at 5 pm at the St. Mary's County Fairgrounds. Encourage all to come out and celebrate the country's birthday.

EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Jarboe, to move into Executive Session in order to discuss matters of Personnel, Litigation, and Property Acquisition, as provided for in Article 24, Sections 4-210(a)1, (a)8, and (a)II, respectively. Motion carried, 5-0.

Personnel

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John Norris, County Attorney

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 3:25 – 4:05 p.m.

Action Taken: The Commissioners discussed personnel matters.

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Litigation

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John Norris, County Attorney

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 4:05 – 4:15 p.m.

Action Taken: The Commissioners discussed litigation matter.

Real Property

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John Norris, County Attorney

Joyce Malone, Real Property Manager

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 4:16 – 4:55 p.m.

Action Taken: The Commissioners discussed real property matters.

Kate Mauck recorded the remaining meeting minutes:

**TOUR OF GOLF COURSE DRIVE EXTENDED ROAD IMPROVEMENT TAXING DISTRICT,
MECHANICSVILLE**

The Board of County Commissioners, accompanied by staff members and interested citizens, toured the road and surrounding properties on Golf Course Drive at 5:30 p.m., prior to the beginning of the evening Public Hearing.

VOTE FROM EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Mattingly, to direct staff to proceed as discussed in Executive Session on matters of Real Property, Litigation and Personnel. Motion carried, 5-0.

PUBLIC HEARING: CONTINUANCE OF JUNE 14, 2005 PUBLIC HEARING TO CONSIDER FIXING A LEVY OF A BENEFIT ASSESSMENT CHARGE TO 59 PROPERTIES WITHIN THE GOLF COURSE DRIVE EXTENDED ROAD IMPROVEMENT TAXING DISTRICT

Present: John B. Norris, III, County Attorney

George Erichsen, Director, Department of Public Works and Transportation

Allen Settle, Project Manager, Department of Public Works and Transportation

Bruce Young, District Manager, Soil Conservation District

Metropolitan Commission Representatives

The Board of County Commissioners held a Public Hearing at the Wicomico Shores Golf Course Clubhouse, 35794 Aviation Yacht Club Road, Mechanicsville. The Public Hearing was a Continuance of the June 14, 2005, Public Hearing to consider fixing a levy of a benefit assessment charge to 59 properties within the Golf Course Drive Extended Road Improvement Taxing District. The Commissioner President reported that all comments from the June 14th hearing will be included as part of the record on this subject, as well as any comments made at tonight's hearing. After the hearing is concluded, the record will remain open for ten days for written public comment.

At various times during the course of the Public Hearing, the Commissioners, Mr. Erichsen, and

Mr. Norris outlined the history of the Golf Course Drive Extended Road Improvement Taxing District, outlining the petition by property owners, subsequent public hearing, and details included in Ordinance 95-13. The initial property owners asked the County to fund and build the road in front of their properties, as Wicomico, Inc. defaulted on the project and pulled out prior to the completion of the road. The property owners agreed to repay the County for the cost of the road project. The total amount to be reimbursed to the

county from the property owners is \$256,250.20, with an annual assessment charge for the 59 properties at \$217.16 per property, per year, for twenty years.

Commissioner President McKay opened the public hearing for public comment, with the following individuals speaking:

Bruce Young, Soil Conservation District, District Manager – Outlined numerous calls over the years from property owners due to drainage and/or standing water issues. Provided details about the types of soil in the area and the very high water table level. Stated that the land is not well suited for homes, especially those with basements, and tile drains around the foundation of any homes should be in place. Further outlined water flow problems due to little "fall" of the ground surface, and stated that property owners would see water at all times throughout the year due to the soil type. Outlined ways homeowners have attempted to alleviate some of their issues. Reported that citizens are welcome to call him any time in order to seek advice; however, the Soil Conservation District is unable to provide funding or do any construction work on the properties. Mr. Young responded to questions from homeowners about the water table and the Soil Conservation District's role in allowing the subdivision to be built. He reported that erosion and settlement control issues were reviewed by the Soil Conservation District one lot at a time, and they rely on the site plan to facilitate their assessment, with little research being done on stormwater management issues. Reported that he and Mr. Erichsen identified places in the area where some minor improvements can be helped through maintenance and mosquito prevention methods.

Larry Leukhardt, 35320 Golf Course Drive – discussed history of road project with responses from Mr. Erichsen re: vote & petition to the county; discussed Ordinance 95-13 with input from

Mr. Norris. Asked two real estate agents to pull up information about his property and neither showed info about the taxing district. Nothing found in mortgage paperwork except cost of water. Stated that it is unfair to be a taxing district when previous property owners agreed to it and not the current owners.

Joe Kihm, 35587 Golf Course Drive – Has much sewerage in his front yard. Reported that the Metropolitan Commission will be coming out to fix his pipes. He has truckloads of dirt that he will use to fill in his property. Fear of power going off for an extended period of time, as grinders will pump raw sewerage into his yard. The taxing district does not affect him personally, as he lives four houses up, but the County needs to dig up the sewer system and replace it.

Russ Shapland, 35379 Golf Course Drive – Three months in home; real estate companies and the lack of integrity angers him. Title search company and realtors did not tell him all he needed to know prior to purchase.

William Penrose, 35380 Golf Course Drive – Moved into home in November of 2001, and the real estate company provided not one word of disclosure regarding the taxing district.

Chico Rivers, 35695 Aviation Yacht Club Road – Has read a great deal of paperwork regarding this situation. Stated that Wicomico Inc. owned 51% of the lots when the vote was taken. Mr. Rivers stated that when Ordinance 95-13 was introduced, the County wanted to rescind the Ordinance, as it was too much of a liability, and the County felt like it was a financier for the realtors/developers. Since Wicomico Inc. owned the majority of properties, it was a forgone conclusion that the vote to become a taxing district would go the way it did.

Staff responded, explaining that phase three of the development was primarily owned by Wicomico Inc., and that the taxing district did not go forward. A right of way issue resolved through a quick claim deed, and documents explaining this in detail will be provided to Mr. Rivers as well as to the Board of County Commissioners.

Clarke Hourne, 35300 Golf Course Drive – Stated that there was no street, but 59 people owned properties.

Chris Kusmano, 35510 Golf Course Drive – Asked questions regarding the vote taken in 1995, and the percentage required for a vote to pass. Mr. Erichsen responded, stating that currently a vote would require 66 2/3 approval. Mr. Kusmano stated that currently, 58 of the original 59 property owners are not represented. Mr. Norris responded to questions about the percentage of voters and if there was any protection for the current homeowners. In addition, Mr. Norris outlined Chapter 109 of the County Code for the establishment of a special taxing district, and stated that the process the County is following is legal. Mr. Kusmano reported that he has watched as builders have shoddily laid pipes in the ground, with no one coming out to inspect their work. Public Works & Metcom have come out to his property several times, with no results. Outlined things he has done to raise the ground level on one side of his home. Individual homes can't have patchwork grading, as the grading needs to flow from home to home throughout the development for drainage to work properly. Wants the county to provide some real solutions to the problems, and he is willing to invest his own money to help repair the problems.

Unknown male speaker – Stated that impropriety took place in the way things were done back in the days of Ordinance 95-13. Reported that phase 2 is the discussion topic.

Joseph Kihm (previous speaker) – His problems are better since a 3-inch drain was installed. His drainage problems come from the golf course, and asked the County to work together with the property owners to get drainage issues settled and to route water away from the homes. Suggested putting in 10-inch piping throughout the neighborhood.

Don Thompson, 35389 Golf Course Drive – Asked if any person present had this information disclosed at the time of closing or at any other time. Audience members stated that no one present had been informed about the taxing district, but had received information about the water payment. Reported that many inspectors came to his home when he put in a sunroof, but the Sanitation District never came out to inspect the home when it was being built.

Brent Coffey, 35399 Golf Course Drive – Asked questions about the County’s responsibility for maintaining the road, the width of the road, and dirt sections along the road. Mr. Erichsen responded that the width was 20 feet, that gravel has been placed on the dirt sections, and further outlined the county’s responsibility for the road.

Russ Shapland (previous speaker) – Asked where the inspectors have been and why they are not stopping shoddy work. Asked if the County would consider allowing property owners to pay over a one-hundred-year period instead of twenty. *Mr. Norris was asked to look into the matter of the duration for a payment plan other than the current plan of twenty years.* In addition, Mr. Chaplin asked if the voting records could be viewed, and Mr. Norris reported that they were available for viewing.

Theresa Hourne, 35300 Golf Course Drive – Stated that she is a realtor, and it’s not the realtors that caused the problems....it is instead the title companies. She just spoke with a title company and they told her that it is not their job.

Mr. Norris reported that a telephone call took place about three years ago to then Commissioner Shelby Guazzo from someone living on Pine Court asking for information about the taxing district. He stated that he would look into the matter to try to understand why some property owners knew about the taxing district, while others did not know.

Judy (unknown last name) – Has the last home that was built in the area, and asked if a decision has been made as yet by the Board of County Commissioners regarding this matter.

Chris Kusmano (previous speaker) – Asked what was included in the full cost of the road project, with a response from Mr. Erichsen. Had numerous questions regarding percentage of voters and questioned why Wicomico Inc. had the largest portion of the vote. At this time, Commissioner Jarboe outlined his presence at the 1995 public hearing, and reported the facts that he recalled from the events that took place during that time. Mr. Kusmano asked if he could have paperwork outlining County road standards; Mr. Erichsen responded that he would supply that information. Asked questions about the paving of Pine Court, and whether the county was aware that essentially five homeowners controlled the 1995 vote.

Unknown speaker – Asked if paying up front without the interest would be an option. *Mr. Norris reported that he would research the ability to prepay without penalty.*

ADJOURNMENT

The meeting adjourned at 9:07 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator